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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,372

11/14/2003

Shiro Iwasaki

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EXAMINER

TEKLE, DANIEL T

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/712,372	Applicant(s) IWASAKI ET AL.	
	Examiner Daniel Tekle	Art Unit 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/30/07; 04/13/04</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-4 and 6-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Higashida et al. (**US 6,862,401**).

**Regarding Claim 1:** Higashida et al. discloses a recording apparatus for recording AV data containing at least one of audio data and video data, and recovery data for restoring management information for the AV data when AV data recording did not end normally, characterized by recording the recovery data interleaved with the AV data during AV data recording (**column 2 lines 35-43**).

**Regarding Claim 2:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains recording address information for the recorded AV data (**column 7 lines 40-50**).

**Regarding Claim 3:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains file management information for the recorded AV data (**column 2 lines 35-55**).

**Regarding Claim 4:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data contains playback time information for the recorded AV data (**column 7 lines 40-50**).

**Regarding Claim 6:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating the location of the recovery data is stored in a predefined area (**column 7 lines 40-50**).

**Regarding Claim 7:** Higashida et al. discloses a recording apparatus as described in claim 6, wherein the recovery data address information comprises multiple banks (**column 6 lines 60-65**).

**Regarding Claim 8:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein recovery data address information indicating the address of the recovery data is stored in a recovery data file of a predetermined name (**column 7 lines 40-50**).

**Regarding Claim 9:** Higashida et al. discloses a recording apparatus as described in claim 8, comprising multiple recovery data files (**column 7 lines 14-23**).

**Regarding Claim 10:** Higashida et al. discloses a recording apparatus as described in any of claims 6, wherein the recovery data address information includes a serial number or time information (**column 7 lines 40-50**).

**Regarding Claim 11:** Higashida et al. discloses a recording apparatus as described in claim 1, wherein the recovery data is divided into at least two data segments that are recorded interleaved with the AV data when recording the AV data (**column 7 lines 14-23**).

**Regarding Claim 12:** Higashida et al. disclose a recording apparatus as described in claim 11, wherein the segmented recovery data contains a recording address of previously segmented and recorded recovery data (**column 7 lines 40-50**).

**Regarding Claim 13:** Higashida et al. discloses a recording apparatus as described in claim 11, wherein the segmented recovery data contains difference information from the previously segmented and recorded recovery data (**column 7 lines 40-50**).

**Regarding Claim 14:** Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein the recovery data contains address information for the next recovery data (**column 11 lines 49-56**).

**Regarding Claim 15:** Higashida et al. discloses a recording apparatus as described in any of claims 1, wherein identification information for distinguishing the recovery data from other recorded data is recorded with the recovery data (**column 7 lines 40-50**).

**Regarding Claim 16:** Higashida et al. disclose a recording apparatus as described in any of claims 1, wherein the recovery data is interleaved with AV data of a specific size (**column 8 lines 10-21**).

**Regarding Claim 17:** Higashida et al. disclose a recording apparatus as described in claim 1, wherein address information denoting where the recovery data is recorded is stored in nonvolatile memory (**column 7 lines 13-25**).

**Regarding Claim 18:** Higashida et al. disclose a recording apparatus as described in claim 17, wherein the nonvolatile memory is removable (**figure 2**).

**Regarding Claim 19-24:** Claims 19-24 are rejected for the same subject matter as claims 1, 6, 8, 11, 17 and 10 respectively.

**Regarding Claim 25-26:** Claims 25-26 are rejected for the same subject matter as claim 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higashida et al. (**US 6,862,401**).

**Regarding Claim 5:** Higashida et al. discloses all the claim limitation of claim 1, include the AV data is MPEG-encoded data (**column 2 lines 60-67**), except it did not point out the recovery data contains a start address for an I-picture in the recorded AV data; however it is well known in the art that MPEG standard has header to identify I-picture and therefore an official Notice is taken.

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporated the well known of I-picture header into Higashida et al. reference in order to accurately decode the compress video signal using the I-picture header.

**Prior Art**

Art Unit: 2621

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

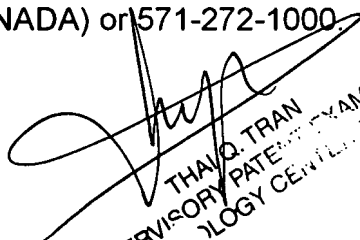
The cited references relate to a method for real time recording/playback of data to/from an optical recording medium and method for managing files system.

**US 6,625,094**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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